IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 302 of 2005

Between:

K.Sridhar S/o.K.V.Ramulu
E-280405, S.S.Gutta Mahaboobnagar, Mahaboobnagar District.

.....PETITIONER

AND

The Depot Manager, A.P.S.R.T.C., Mahabubnagar
Mahaboobnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or directions, more in the nature of writ of Mandamus declaring the office order No.02/95(9)/95-MBNR Dt.4.5.1995 as illegal and arbitrary and set aside the same with all consequential benefits including arrears.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondent: MR.Y.V.SWAMY

The Court made the following:

ORDER:

This writ petition is filed challenging the order dated 04.05.1995, of the respondent-Corporation withholding the annual increment of the petitioner-employee for a period of one year with consequential effect on his future increments.

The learned Counsel for the petitioner vehemently contended that there were no Cash or ticket irregularities committed by him while discharging his duties as Conductor in the bus on 16.02.1995. But the respondent had issued him a Charge sheet on 03.04.1995 with the above allegations. He submitted his explanation to the Charge sheet on 10.04.1995. Thereafter the respondents, without conducting any departmental enquiry or without issuing any notice, passed the office order No.02/95(9)/95-MBNR, dated 04.05.1995 withholding his annual increment for a period of one year. He further contends that the punishment imposed on him is a major one which cannot be imposed without conducting proper enquiry. Hence, the petitioner prays to set aside the same and he further contended that the petitioner will appear in the enquiry, if conducted.

On the other hand, the learned Standing Counsel for the Respondent-Corporation contended that the punishment has been imposed on the petitioner

as per APSRTC CC&A regulations, as he has committed ticket and cash irregularities while discharging his duties as Conductor on 16.02.1995 and there are no grounds to interfere with the order.

The punishment has been imposed on the petitioner on finding some ticket and cash irregularities on 16.02.1995 while he was on duty. Basing on the information, the Depot Manager, Mahaboobnagar Depot, vide office order No.02/95(9)/95, MBNR, dated 04.05.1995, imposed the punishment of withholding an annual increment for a period of one year with consequential effect on his future increments.

The petitioner after receiving the adverse orders slept over the matter for a period of 9 years. There are latches on his part in asserting his right regarding this issue. Though the impugned order is not liable to be set aside on account of long lapse of time, but in view of the judgment of the Supreme Court in **Kulwant Singh Gill Vs. State of Punjab,** I am of the view that it would be appropriate if the punishment imposed on the petitioner is treated as reduction of withholding an annual increment for a period of one year, without cumulative effect i.e. without having any effect on his future increments. The petitioner is not entitled for the difference of the amount, if any, by virtue of this order from the date of impugned order till the date of this order. But, he is entitled to get increments on notional calculation from the date of this order to which he is entitled, as he had not been imposed penalty of reduction of withholding an annual increment for a period of one year without cumulative effect.

The writ petition is accordingly disposed of with the above observations. No costs.

19.01.2005

MRKR

To

1). The Depot Manager, A.P.S.R.T.C., Mahabubnagar
Mahaboobnagar District.

2). Two C.D. copies.